
Executive Summary

The Housing and Land Rights Network of Habitat International Coalition dispatched a fact-finding team to the Narmada Valley, 18–24 September 2002, to investigate the resettlement and rehabilitation issues arising from the Sardar Sarovar and Man dam projects. The combined effects of the monsoons and the damming of the rivers destroying households and crops provided the impetus for the fact-finding mission. The fact-finding team visited affected villages and rehabilitation sites, and met with officials of the Grievance Redress Authority (GRA) and the Narmada Valley Development Authority (NVDA), in Madhya Pradesh and Gujarat, and the Narmada Bachao Andolan activists. The rehabilitation provisions of the Narmada Water Dispute Tribunal Award, the resettlement and rehabilitation policies of the state governments and the redress mechanisms largely seek to protect the housing and land rights of the people affected by the Sardar Sarovar and Man projects. However, the fact-finding team found that, at the ground level, the safeguards are being flouted in a large number of cases, and redress mechanisms have been sidelined.

Observations and Findings

Sardar Sarovar Project

1. Submergence due to the 2002 monsoons and raising the dam's height in May 2002 have destroyed the crops and homes of Sardar Sarovar Project (SSP) affected villages in Maharashtra and Madhya Pradesh, rendering some of the villagers homeless. The people face a severe food and drinking-water shortage.

2. The rehabilitation sites that the team visited are not fit for habitation. At Gehalgoan and Gopalpura rehabilitation sites, Dhar District (Madhya Pradesh), there are some rocky, uneven plots for housing, and villagers explained that they had rejected the resettlement sites as unsuitable, in part because there was no provision for agricultural land or alternative livelihood. These unprepared resettlement sites are designated for persons affected at the current dam height of 95m.
3. The residents of Chikhalda, also in Dhar District, affected at the dam height of 95m, have not been resettled at all. The rehabilitation site chosen for Chikhalda was itself subject to being submerged. The Action Taken Report of Madhya Pradesh government shows them erroneously as resettled.
4. The state governments are issuing *ex-parte* house and agricultural land allotments to “nonresponsive” project-affected families; i.e., families not accepting any rehabilitation offer of the state. The government sends a notice to the oustees informing them of the allotment of a house or land to them, often in another state. Once this notice is sent, the people are counted as rehabilitated on government records, even while living in their original villages.
5. The chairman of Madhya Pradesh Grievance Redressal Authority (GRA) has admitted that he has no infrastructure to verify claims of the Narmada Valley Development Authority. This has serious implications for the functioning of the GRA. The affected people told the HLRN-HIC fact finders that the NVDA official against whom they had complained for falsely including families in the rehabilitated list was himself sent to investigate the matter. The independence of the GRA becomes even more crucial since the Supreme Court has expressed the view the GRA’s function obviates the need for the Court to interfere.
6. The affected people in Alirajpur Tehsil, Jhabua District in Madhya Pradesh, who are predominantly tribal, told the fact-finding team that, though they have been cultivating the land for generations, their names do not figure in land records and now their lands are going to be submerged with entitlement to any compensation. To protect their land and housing rights, land settlements need to be updated, so that they are given titles to the lands that they hold.
7. There is evidence of the Madhya Pradesh government misapplying the Narmada Water Dispute Tribunal (NWDT) Award, as the government is unable to rehabilitate affected persons according to the Award’s provisions. Thus, in deciding how many affected families needed to be rehabilitated at the dam height of 95m, it has invented a distinction between temporary and permanent submergence in order to escape rehabilitating victims of the latter.
8. The NWDT Award requires resettlement to take place at least one year before the threat of submergence and further requires that rehabilitation be complete six months before raising the height of the dam. The states have repeatedly violated these safeguards. Although the Supreme Court has directed that raising of the height will be only *pari passu* with the implementation of the relief and rehabilitation that is requiring full

rehabilitation for each stage before continuing to raise the height, in practice this requirement is being violated.

Man Irrigation Project

1. On 20 July 2002, police forcibly evicted the residents of Khedi Balwadi, the first village to be submerged. The villagers testified that the police violently dragged them into trucks and forcibly removed them to two locations 45–70 km away. When the police removed the villagers from their homes, approximately 25 children were separated from their parents and abandoned in the village.
2. Due to the heavy rains following the closing of the dam's sluice gates on 9 August 2002, the homes and crops in several villages were completely inundated by the new reservoir, and the people have been forced to live in squalid conditions in tin sheds. Effectively rendered homeless, they are also suffering a severe food shortage.
3. The project-displaced tribals were not given access to full information about entitlements under the Madhya Pradesh Rehabilitation and Resettlement Policy. The villagers stated that, ten years ago, they were forced to accept cash compensation for partial loss of cropland, and they were told that their homes would not be affected by the dam.

Based on the foregoing observations and findings of the fact-finding team, HLRN-HIC makes recommendations for better protection of the rights of the people affected by both the Sardar Sarovar Projects and the Man dam.¹ □

HLRN-HIC submitted these findings and recommendations to the Prime Minister of India on 22 November 2002. The fact-finders also forwarded copies of the transmittal letter to the chief ministers of Madhya Pradesh, Gujarat and Maharashtra and the chairman of the Rehabilitation and Resettlement (R&R) Sub-Group of the Narmada Control Authority, among others.² HLRN-HIC received a reply only from the Chairman of the R&R Sub-Group, who met one of the members of the fact-finding team on 11 December 2002. At that meeting, the chairman did not address any of the issues covered in the mission report, but promised to raise the concerns it contained with the three state governments and the R&R Sub-Group and report back to HLRN-HIC. On 3 February 2003, HLRN-HIC issued a letter, requesting the chairman to provide the results of his consultations as promised. Despite repeated phone calls and letters³ since, HLRN-HIC has not received a response to date, nor has it received any acknowledgment from the other authorities with whom HLRN-HIC has shared its concerns.

¹ For detailed recommendations, see Chapter IV.

² See Annex 5 for details.

³ See Annex 6 for a copy of the letter sent to the chairman of the R&R Sub-Group.



Introduction

During the monsoons in August and September 2002, some of the tribal villages affected by the Sardar Sarovar and Man dams were submerged by the rising waters, and crops and homes were destroyed. The Sardar Sarovar and Man dams are a part of the Narmada Valley Development Project, which entails the construction of 30 big dams and more than 3,000 medium and small dams on the river Narmada and its tributaries. The Sardar Sarovar Project (SSP) is being constructed on the Narmada River in Gujarat. Another big dam under construction is the Man Irrigation Project on a tributary of the Narmada in Madhya Pradesh. Before the monsoons, members of civil society who had visited these areas had warned that people threatened with submergence by the Sardar Sarovar and Man projects had not been rehabilitated as yet.

The Housing and Land Rights Network of Habitat International Coalition dispatched a fact-finding team to the Narmada Valley to investigate effects of the 2002 monsoon and to assess the current status of the rehabilitation of the people affected by the Narmada Valley projects. Habitat International Coalition (HIC)⁴ is an international, movement of organisations and individuals working in the area of human settlement. Its Housing and Land Rights Network (HLRN) endeavours to promote, protect and monitor housing and land rights around the world. HIC has conducted fact-finding missions on widely varying housing rights situations, such as those found in Kenya; demolitions in Palestine; the earthquake victims in Kobe, Japan and land rights of Bhutanese refugees.

⁴ For more information on HIC, please see <http://www.hic-mena.org>

The aim of the fact-finding mission was to ascertain whether the rehabilitation of the affected people complied with:

1. the Narmada Water Disputes Tribunal Award (NWDT Award)⁵;
2. the directions of the Supreme Court of India in October 2001, in the Sardar Sarovar Project case⁶;
3. the rehabilitation and resettlement policies of the states of Gujarat, Madhya Pradesh and Maharashtra;
4. the Involuntary Resettlement and Indigenous Peoples policies of the World Bank applicable to the Sardar Sarovar Project and
5. India's obligation to protect housing rights under international human rights law.

Ms Shivani Bhardwaj, associate coordinator of the South Asia Regional Programme of HLRN-HIC, and Ms Dana Clark, an international human rights and environmental lawyer, made up the fact-finding team. Following a review of the relevant legal, technical and narrative documents arising from the dam projects, the fact-finding team (FFT) travelled through Gujarat, Maharashtra and Madhya Pradesh from 17 to 24 September 2002 to gain a first-hand understanding of the post-monsoon situation in the valley.⁷ The FFT visited some of the villages worst affected during the monsoons in Maharashtra and Madhya Pradesh, as well as rehabilitation sites in Gujarat and Madhya Pradesh. The FFT also met with villagers displaced by the Man dam in Madhya Pradesh. During these visits, the team not only interviewed and met the residents of these villages, but also residents of nearby villages who wanted to share their problems. The team also met with Mr T.P.S. Pillay, Secretary to the Grievance Redress Authority for Madhya Pradesh; Mr J.P. Vyas, Narmada Valley Development Authority, in Bhopal and interviewed Justice Majumdar, of the Grievance Redress Authority, Gujarat, and with Mr Ahmed Afroz, of Narmada Control Authority (NCA) by telephone. The team also held meetings with representatives of the Narmada Bachao Andolan, the movement of the project-affected persons in the Narmada Valley.

Framework for the Human Right to Adequate Housing under International Human Rights Law

*"The human right to adequate housing is the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity."*⁸

Regardless of the project specific procedures and policies, the Government of India has an overarching responsibility to respect the right to housing. India has ratified a number of international human right treaties, which require it to protect the right to housing of the people.⁹ The main instrument that protects the right



Homes were rendered unsafe by shifting mud left behind after the floodwater that partially submerged Domkhedi village, Maharashtra, had receded.

Photo by Dana Clark

⁵ The NWDT Award included, among other things, guidelines on the entitlements of the oustees. For a detailed explanation of the Award see para 2 of Chapter II.

⁶ Narmada Bachao Andolan v. Union of India and others; writ petition (c) no. 319 of 1994. For directions of the Supreme Court, see Annex 1.

⁷ See Annex 2 for the itinerary of the team and the government officials they consulted.

⁸ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, submitted pursuant to Commission resolution 2000/9. E/CN.4/2001/51, 25 January 2001, para 8.

⁹ International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women. See Annex 3 for provisions of these treaties that protect the right to housing.

to adequate housing is the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11(1) of the ICESCR states, *“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right....”*

The right to housing is not limited to only shelter, that is, a roof over one’s head. The right to adequate housing encompasses the right to security of tenure; essential services such as water, sanitation; affordability; access to means of livelihood; protection from forced evictions; community identity; non-discrimination; protection from arbitrariness¹⁰; etc. *“Adequate shelter means... adequate privacy, adequate space, adequate security, adequate lighting, adequate ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities...all at reasonable cost”*¹¹. The right to housing cannot be seen in isolation but in the context of the indivisibility and interdependence of rights. That is, the right to housing is intrinsically linked to other human rights that are affected when the right to housing is affected including the right to health, the right to food, the right to education, the right to participation, the right to livelihood, the right to non-discrimination, the right to protest and peaceful assembly, etc.

“Forced eviction” of people from their lands and homes is considered a gross violation of human rights, particularly the right to housing¹². Forced evictions have been defined as *“the permanent or temporary removal against their will of individuals, families and or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal or other protection”*¹³. The UN Committee on Economic, Social and Cultural Rights has said that evictions should not result in rendering people homeless or vulnerable to violations of other human rights¹⁴. Under international human rights law, safeguards have been laid down to protect against human rights violations if evictions are absolutely necessary. The affected people must be provided suitable alternatives after proper consultation; they must be informed about what the land (they are being removed from) is being used for and about the date of eviction, well in advance. The UN Comprehensive Guidelines on Displacement based on Development, 1997, lays down that States should explore all possible alternatives to any act involving forced evictions. This means that affected persons – women, children and indigenous peoples – have a right to all relevant information and the right to full participation and consultation throughout the entire process¹⁵. In case of any resettlement, the States should ensure that *“no affected persons, groups, communities shall suffer detriment as far as their human rights are concerned nor shall their right to the continuous improvement of living conditions be subject to infringement.”* Also, the affected community should provide full and informed consent as regards the relocation sites. The State shall provide all necessary amenities and services and economic opportunities¹⁶.

Convention 107 of the International Labor Organisation safeguards the rights of tribal communities and was ratified by India in 1958. The Convention requires governments to ensure social, economic and cultural development and to raise the standard of living of the tribal population¹⁷. According to Article 12(1) and

¹⁰General Comment 4 and 7 of Committee on Economic, Social and Cultural Rights. See annex 3 for full text.

¹¹UN Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000, A/43/8/Add.1/para. 5.

¹²UN Commission on Human Rights, Resolution 93/77 on Forced Evictions.

¹³General Comment 7; para 3 and 7; UN Committee on Economic, Social and Cultural Rights.

¹⁴Ibid

¹⁵Article 16, UN Comprehensive Guidelines on Displacement based on Development, E/CN.4/Sub.2/1977/7

¹⁶Article 28.d and e, Ibid

¹⁷Article 2(2)(b) of ILO 107.

(2), governments should not remove tribal populations without their free consent from their habitual territories except in the interest of national economic development. When removal is deemed necessary, they should be provided with lands of quality at least equal to that of lands previously occupied by them, suitable to provide for their present needs.

The thrust of the right to adequate housing under international human rights law is that the State should ensure that evictions, especially of tribal populations, take place only in exceptional circumstances with guarantees of appropriate rehabilitation. The affected population should be given sufficient information and consulted about the rehabilitation. The rehabilitation provided by the government must include all aspects of adequate housing, that is, legal security of tenure; livelihood options; basic facilities like drinking water; drainage; health; education; and be habitable, accessible and affordable. Where communities' livelihood options are dependent on agriculture or grazing, the right to adequate housing would have no relevance if suitable agricultural and grazing land is not provided close to the dwelling place.

Involuntary Resettlement Policies of the World Bank

The World Bank policies that were in force at the time that the loan was approved for the Sardar Sarovar Project in 1985 continue to apply to this project, and will continue to apply until the loan is repaid¹⁸. Of the World Bank policies, the policy on involuntary resettlement and tribal people are most relevant. The Involuntary Resettlement Policy (OMS 2.33, Issued February 1980) says that "the major objective is to ensure that settlers are afforded opportunities to become established and economically self-sustaining in the shortest possible period, at living standards that at least match those before resettlement." It also says that the Bank will "avoid or minimize" involuntary resettlement whenever feasible.

The Tribal Peoples Policy (OMS 2.34, Issued 1982), states, "Whenever tribal peoples may be affected, the design of projects should include measures or components necessary to safeguard their interests and, whenever feasible, to enhance their well-being." It also states, "The Bank will assist projects *only* when satisfied that the Borrower or relevant government agency supports and can implement measures that will effectively safeguard the integrity and well-being of tribal peoples." □

¹⁸ The World Bank, Memorandum from Ibrahim F.I. Shihata to D. Joseph Wood (30 March 1993): "In the brief Board discussion today of the cancellation of the Bank's loan for the Narmada Project, the impression was left that the Government of India is no longer legally obligated towards the Bank to carry out its obligations under the loan agreement . . . this is not the case. Section 6.06 of the General Conditions applicable to all Bank loans . . . provides that '[n]otwithstanding any cancellation or suspension, all the provisions of the Loan Agreement and the Guarantee Agreement shall continue in full force and effect except as specifically provided in this Article."

II

Sardar Sarovar Project

Background

The Sardar Sarovar Project (SSP) is the biggest dam of the Narmada Valley Development Project. It is a multipurpose, interstate project involving the construction of a large dam (138.68 m high) in Gujarat. The project is being implemented by the governments of Gujarat, Maharashtra, Madhya Pradesh and Rajasthan, with the active participation of and assistance from the Union of India. If the project proceeds to its full design height, the damming of the river will form a reservoir approximately 214 kilometres long that will permanently inundate extensive areas in Gujarat, Madhya Pradesh and Maharashtra, including large forest areas, besides causing additional submergence, every monsoon, of agricultural and other lands adjacent to its banks.

In 1969, the Narmada Water Disputes Tribunal (NWDT) was set up to settle conflicting claims of the states over sharing of the Narmada river waters, the cost of rehabilitating the displaced people, the height of the dam, etc. The Tribunal gave its award in 1979 and laid down guidelines for the rehabilitation of the affected population. The project has been projected to affect 40,827 families from 193 villages in Madhya Pradesh; 33 villages in Maharashtra; and 19 villages in Gujarat¹⁹. All the affected villages in Maharashtra and Gujarat and about 53 of the villages in Madhya Pradesh are tribal villages. The primary beneficiary of the project is the state of Gujarat, but most of the displacement due to the reservoir will take place in Maharashtra and Madhya Pradesh. The NWDT Award only recognises the reservoir-affected as oustees. More than a thousand families in

¹⁹The Supreme Court quoted these figures in the judgment. The NCA website says that there are 40,882 project affected families. The NBA estimates that more than 44,000 families will be affected and with the findings of the Task Force in Maharashtra the numbers affected have gone up drastically.

Gujarat who are affected due to the canal network, establishment of Shoolpaneshwar wildlife sanctuary, a housing colony near the dam site and drainage works have not been considered oustees due to the limited nature of the NWDT award, though they are clearly suffering impacts and deserve rehabilitation.

In 1985, the World Bank provided a loan to the Government of India which kick-started construction of the dam. In 1992, the report of an independent review found that the World Bank and government of India had violated the provisions of the World Bank's Involuntary Resettlement, Tribal Peoples, and Environmental Assessment policies. Six months later, the Government of India announced that it wished to cancel the remaining balance on the loan. This decision, however, did not absolve the World Bank of its responsibility for ensuring that the project was in compliance with its policies and procedures. Nor did it absolve the state and central governments in India from following the normative framework for resettlement and rehabilitation that had been developed for the Sardar Sarovar project and subsequent dams on the Narmada.

In 1994, various issues relating to the SSP such as environmental clearance, rehabilitation of affected persons, the NWDT Award, canal and other affected people not being included as oustees were taken to the Supreme Court by the Narmada Bachao Andolan (NBA). The court stayed work on the project from 1995 till 1999. In 1999, it permitted construction of the main part of the dam from 80m to 85m.

On 18 October 2000, the Supreme Court cleared the way for continued construction of the dam as per the NWDT Award, *"ensuring compliance with conditions on which clearance of the project was given including completion of relief and rehabilitation work in...compliance with the scheme framed by the Government, thereby protecting the rights under Article 21 of the Constitution"*²⁰. Accepting the assurances given by the Relief and Rehabilitation Sub-Group, the Court directed that the dam height to be raised immediately to 90 m. For further increase in the height of the dam, the court directed that *"raising of the height will be only pari passu with the implementation of the relief and rehabilitation and on the clearance by the Relief and Rehabilitation Sub-Group. The Relief and Rehabilitation Sub-Group will give clearance of further construction after consulting the Grievances Redressal Authorities."* *Pari passu* literally means that construction and rehabilitation should make equal progress and should be related. The NWDT Award requires that people be resettled at least one year before the monsoon that threatens their submergence, and that they be fully rehabilitated at least six months prior to that date; otherwise, the dam height should not be increased.

Since this ruling by the Supreme Court in 2000, there have been numerous reports that have indicated that the rehabilitation of people affected at a dam height of 90 m has not been completed, so the height of the dam should not be raised further. Nonetheless, the dam height was raised again, to 95 metres, in May 2002.

The Maharashtra government set up the *"Committee to Assist the Resettlement and Rehabilitation of the Sardar Sarovar Project-Affected Persons"* under the chairmanship of Justice S.M. Daud (retired). In June 2001, after extensive field-level meetings with the affected people in Maharashtra, the report of the Committee found that a large number of families affected at 90m height had not been rehabilitated as per the provisions of the NWDT Award. The Committee recommended that no

²⁰See Annex I for directions of the majority order of the Supreme Court.

further construction (above 90 m) should be permitted till all families affected at 90 m had been surveyed and resettled. On the basis of the Committee's recommendations, a fresh village-wise household survey was carried out in Maharashtra between December 2001 and August 2002 by a Task Force set up by the government comprising of officials, affected people and activists to ascertain the actual number of affected families at 90 m, 93 m, 100 m and full dam height (138.68 m)²¹. The findings of the Task Force show a vast increase in the number of affected persons in need of rehabilitation. The number of project-affected families to be rehabilitated at 95 m in Maharashtra has increased to 1,295 from 17.

In a letter dated 10 August 2001, The United Nations Special Rapporteur on Adequate Housing, Mr. Miloon Kothari, urged the Prime Minister of India to place a moratorium on increasing the height of the dam based on his determination that the people affected by the dam had not been rehabilitated as per the NWDT Award. Moreover, the rehabilitation violated India's obligations and commitment under international human rights law to protect the right to housing.

Findings

I. Submergence during the Monsoons Results in Food Scarcity

The floodwaters during the height of the monsoons in late August and early September, 2002, submerged the crops and houses and washed away the personal property and livestock in some of the affected villages in Maharashtra and Madhya Pradesh visited by the FFT. In Jalsindhi, Jhabua district, Madhya Pradesh, and Domkhedi, Nandurbar district, Maharashtra, the FFT saw first-hand evidence of destruction of homes and standing crops. All along the river, homes and fields had been scoured bare by the monsoon waters, which had receded slightly by the time the FFT made its journey through the valley. The river also contained many trees that were still submerged, and villagers explained where their crops had disappeared under the water that had not receded.

The fact-finding team saw that Loharia Shakaria's hut in Jalsindhi, Madhya Pradesh had been submerged under water. Loharia Shakaria also reported that



Photo by Dana Clark

Loharia Shakaria's hut submerged in Jalsindhi in Madhya Pradesh.

²¹ This Task Force was set up by a GR issued by the Maharashtra government SSP31/2001/ Type No. 135/R-5, dated 5 December 2001. The Task Force was headed by the Divisional Commissioner of Nasik with the Sarpanch of Amlhi Vasahat; Sarpanch of Somaval Vasahat, Noorji Padvi of submergence village Danel; Clifton D' Rozario, Narmada Bachao Andolan; Sanjay Mahajan, Punarvas Sangharsh Samiti; Narmada Vikas Division Collector Taloda and Deputy Collector Sardar Sarovar Project division as members.



Photo by Dana Clark

Satyagraha house washed away at Domkhedi.

10 houses along with goats and bullocks and cows had been washed away in Chimalkhedi, a village downstream on the opposite bank. In Jalsindhi, people from the nearby Madhya Pradesh submergence villages of Akadia, Dubhkheda, Bada Amba, Sirkhedi, Anjanwara, Sakarja, etc, gathered to meet with the FFT and they reported similar destruction in their villages. One of the residents of Jalsindhi, Bava Mahare, told the FFT, "When we ask for proper land, we are shown jail cells. I have not done anything wrong, never bribed or anything. I have only been arrested when I've organised tribals and asked for things for the tribals. I have been arrested eight or nine times."

The team saw seven houses in Domkhedi, Maharashtra, that were visibly damaged by being submerged. These houses now are not safe or habitable, as the submergence has weakened and shifted the soil holding the wooden support beams and they are now dangerously askew. Furthermore, the mud floors of the homes have turned treacherous. The people who used to live in those homes are now living in the cattle sheds of their neighbours who live uphill. All seven hamlets of Domkehdi suffered from submergence, and altogether, 12 homes (with about 10 people per house), plus the village's gathering point, the *satyagraha* house, were washed away.

Khiyali Bai from Domkhedi stood in the rising monsoon waters inside her house with other villagers on the evening of 20 August 2002. On the morning of the 21 August 2002, when the water reached their lips, 200 police arrived with two barges and began arresting the people. Khiyali Bai said that she told the police, "This exercise of saving us is meaningless. We are asking for alternative land, why are you taking us to jail? How is that a safer place? We are in our own homes, we haven't committed any crime, why should we be arrested?" She was transported to three different towns over the course of 24 hours, and was then jailed in Dhulia, Maharashtra, for four days. The submergence waters destroyed her house and her family's crops and swept away all of their personal belongings.

The villagers told the FFT that they were gravely concerned about the availability of food supply and access to drinking water. With the destruction of the crops, they would have no food supply to see them through the year. Even when the

water receded, they would not be able to grow another crop. In addition, the deposits of mud left behind by the floods are hazardous to both people and cattle, making access to the river and drinking water supply treacherous. Even though they are facing such a food and water crisis, the villagers reported that the Madhya Pradesh government was not willing to provide any assistance. After much pressure, the Maharashtra government has agreed to give compensation. The Maharashtra Cabinet on 16 November 2002, has sanctioned three lakh eighty one thousand rupees (Rs 3,81,000) for people affected by submergence in 1999 and 2002.

The people refuted the claim of the government that the 2002 submergence at Domkhedi and Jalsindhi is due to natural floods and not dam submergence and therefore people are not entitled to compensation for loss of crops or destruction of homes. At Jalsindhi, Kailash Awasni told the FFT, "What we see now is not a river, it's a reservoir. It rises in metres but recedes in centimetres. We've never seen the river flooding and submerging our fields in monsoon until the dam. This is not natural, this is because of the dam. We should be paid compensation for our losses."

Mangliya Gaddher of Jalsindhi said that another reason the government will not provide relief to compensate the people whose houses and crops were submerged was that because according to the government, all of them were illegal encroachers as their land had already been acquired. The government may have acquired the land but the FFT found that the resettlement sites promoted by the three state governments have been generally rejected as unsuitable by the affected people. Many of the villagers are refusing to move to the sites, saying they cannot grow anything on the land because it is of such poor quality, is of insufficient size, or that there is no access to common property resources such as grazing land which is essential for their livelihood needs. Khiyali Bai from Domkhedi said her family had gone to see the resettlement site at Amlibari near Akkalkua, Maharashtra, and rejected it. Those villagers who shifted to the resettlement sites, even some established more than 10 years ago, have experienced a great deal of hardship and many of them have returned to their old lands even though they knew they faced submergence.

This observation by the FFT was confirmed by the report of the Task Force set up by the Maharashtra government²². The Task Force report acknowledges that people have left the rehabilitation sites they had moved to and returned to their original villages. According to the Task Force, 29 families in the submergence village of Manibeli, Maharashtra, have returned from the Parveta rehabilitation site in Gujarat because of very valid reasons and the government needs to have a policy to deal with such situations. The Task Force makes special mention of other such instances in other villages of tribals facing this peculiar problem.

By ratifying the ICESCR, India is under an obligation to guarantee the right to housing and the right to food of the people of the Narmada Valley. Submerging houses and crops without sufficient notice and not providing suitable and alternative lands without genuine consultation with the people has rendered the people affected by the SSP homeless and without access to food and drinking water²³. The governments are under an obligation to take steps to respect and protect the access of minimum essential food and housing.

²² See footnote 19.

²³ According to the United Nations Committee on Economic, Social and Cultural Rights this amounts to forced evictions. Forced evictions are a gross violation of human rights, particularly the right to housing. The state governments have created obstacles to the access to food by the SSP-affected people by causing submergence without suitable alternate land and housing.